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Law School Report

Starting at the top

Dalai Lama speaks at first Law School conference on law and Buddhism

Led off by a very special guest – the 14th Dalai Lama, spiritual leader of the Tibetan Buddhists and head of Tibet’s government in exile – a major UB Law School conference on Sept. 20 and 21 explored the intricacies of “Law, Buddhism and Social Change.”

A two-hour appearance at the conference capped off a three-day visit to the University by the revered spiritual leader. The visit included an interfaith religious service and a major address before 30,000 people in UB Stadium.

But the Law School conference was the Dalai Lama’s most significant contribution to the school’s academic mission. Before an invited audience of about 165 in the Charles B. Sears Law Library, as well as hundreds more watching via a simultaneous broadcast and video link, the 71-year-old lama responded to questions on topics ranging from the role of Buddhist monks in Asian politics to his philosophy of jurisprudence.

The conference was organized by the Baldy Center for Law and Social Policy and by the Law School, under the direction of UB Law Professor Rebecca R. French. The study of Buddhism’s relation to legal systems is in its infancy; French pointed out that the UB conference was only the third to take place worldwide.

The room was hushed as the Dalai Lama entered and greeted 15 scholars and legal practitioners gathered in a circle. But the Nobel Prize-winning monk put attendees at ease, doffing his shoes and sitting cross-legged in a large leather chair. “Very comfortable,” he said with a wry laugh.

Many of his answers to questions circled back to the theme of his stadium address the day before: the need to base one’s actions on a sense of compassion for fellow human beings. “I think generally in all human activities,” he said, “whether or not the word ‘compassion’ is expressly mentioned, compassion seems to be taken for granted.” He used the example of a mother’s care – “nobody explicitly points out the role of compassion there, but it is taken for granted. The basis of a happy family, a happy society, is compassion. Not law.”

One questioner asked about penal law, and how it is possible to see the imposition of punishment as an exercise of compassion.

The motivation is important, the Dalai Lama said. One must impose punishment “not out of a feeling of revenge or hatred, but out of compassion.” He used the example of a law-breaker on a downward path: “If, unless you give harsh treatment, that person will continue harmful activities that



The Charles B. Sears Law Library was the setting

eventually is harmful for him or her, out of a sense of concern one has to take stern action to stop that.” Two punishments, he said, may look similar, but they are “essentially different. One is an action of genuine compassion, one comes out of hatred.”

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— The Dalai Lama



for “A Conversation with the Dalai Lama.”

He discounted the role of religious belief as the basis for compassionate actions, saying, “I prefer that motivation not come from religion but from basic human qualities that we learn from our birth. ... Scientists are finding that more compassion brings more

calm in our brain; brain function becomes smoother. Negative emotions actually eat our inner system; positive emotions strengthen our inner system. On the basis of scientific findings and also on the basis of our common experience, we should promote and pay

more attention to the value of compassion in society through education.”

Responding to a question about a lawyer’s responsibility to balance his client’s and society’s needs, the Dalai

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Law School Report



The Dalai Lama examines antique Tibetan manuscripts in the Law Library.

Religion and the law

A burgeoning academic field

Partly by design and partly by happy accident, UB Law School finds itself with a significant concentration of faculty members in an emerging area of legal scholarship: law and religion.

At least five faculty members concentrate their work on areas with religious implications. Though the school has no formal structure for coordinating their work, it is being considered:

Professor Winnifred Fallers Sullivan joins the faculty with the title Director of the Law and Religion Program.

"As people begin to achieve some notoriety in this area, it seemed sensible to build on that strength," says Dean Nils Olsen. "We have an extraordinary group of people like this. This is attractive to potential students, because it represents another interdisciplinary strength of the Law School."

UB Law is ahead of the curve in this

area among law schools, but universities generally are becoming more open to teaching and studying various faith traditions. A recent *Time* magazine article describes a hugely popular class at Columbia University Business School that is based on Buddhist principles and asks the question: "What do you want your legacy to be?"

In Buffalo, the emphasis is strictly academic. Among those making law and religion their primary field of study:

Distinguished Service Professor David M. Engel, whose research deals with law and society in the United States and in other countries, particularly Thailand, where he has lived,

East vs. West



President John B. Simpson greets the Dalai Lama.

Tibetan Buddhist law

Based on 14 centuries of Asian legal, religious and political culture

Takes into consideration implications for one's karma in the next life

Springs from spiritual precepts and with administration by religious figures – monks and lamas

Considers each circumstance to be unique

Largely aims toward consensus in jurisprudential decision-making

Western law

Based on English common law dating from the 12th century

Judgments and punishments entirely located in this life

Secular in origin and practice

Draws heavily on legal precedents

Assumes that truth arises from adversarial system of advocacy

worked, and taught over a period of nearly 35 years.

Professor Rebecca R. French, a pioneer in the field of legal systems based on Buddhist principles.

Distinguished Teaching Professor Elizabeth B. Mensch, who describes her research as exploring “the complexity of social, economic and intellectual interrelationships that have made theology a stubbornly central part of the history of American culture.”

Professor Stephanie L. Phillips, an expert in African-American theology and the legal history of religion, and currently a seminary student herself at Colgate Rochester Crozer Divinity School.

Sullivan, whose work has concentrat-

ed on religious freedom and First Amendment expressions of faith.

Professor James Milles, director of the Charles B. Sears Law Library, has research interests that include law and social informatics, or the study of the social aspects of computerization, and the interrelationships between comparative religious perspectives and systems of legal analysis.

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Lama said through his translator: “In principle, from a Buddhist point of view, one has to be sensitive to the individual context. Sometimes you have a context where individual concern has to be weighed against wider implications for society. Also, one has to take into account what are the damaging effects of a particular course of action as opposed to the benefits? The main point is not to confine your evaluation purely to a single situation, rather to look to its broader implications.”

After the Dalai Lama’s departure for a respite at a downstate Buddhist monastery, the conference continued with discussion. In addition to the academics and practitioners, also present was a psychiatrist, an artist and members of the local clergy.

Said Professor Winnifred Sullivan: “I was struck by how practical his advice was. One of the things that was most appealing about his approach was that he was very reluctant to be black-and-white about anything.”

Day 2 of the conference featured panels on three subjects: “The Buddha as Lawgiver,” “Social Change and Buddhism” and “Social Change and Conscience, Self and Society.” Among the participants from UB Law were, besides French and Sullivan, Professors David Engel and George Hezel, as well as Buffalo attorney James L. Magavern ’59. Other participants came from the University of Chicago Divinity School, the University of California at Santa Barbara, the University of British Columbia, and visitors from Sri Lanka, England and India.

Presenters discussed such topics as the concept of karma and its effects on Asian legal systems, the role of monks as legal adjudicators, the complex canon of religious and ethical laws that form the basis for Buddhist legal systems, and the power of local communities to compel disputants to resolve their differences for the good of social harmony.